



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 12

CHERNOFF VILHAUER MCCLUNG & STENZEL LLP
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204

MAILED

JUN 09 2003

In re Application of:
WESTERMAN, LARRY A.
Application No. 09/354,938
Filed: July 15, 1999
For: METHOD OF ELIMINATING FLICKER ON
AN INTERLACED MONITOR

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600
DECISION
ON PETITION**

This is a decision on the petition filed April 15, 2003 under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment. No fee is required.

This application was abandoned for failure to timely file a proper response to the non-final Office action mailed August 15, 2002. A Notice of Abandonment was mailed on March 24, 2003.

Petitioner asserts that a proper response to the non-final Office action was timely filed. To support this position, Petitioner has included with the petition a copy of a date stamped mailroom receipt, indicating PTO receipt of the response on February 11, 2003. The postcard itemizes the Amendment Transmittal Form, Fee Transmittal, Amendment response, Petition for Three Month Extension of Time, and a Check for \$2,058. A second postcard also stamped February 11, 2003 itemized three new drawing pages. Petitioner submitted a copy of these itemized documents with the petition.

The original response was not matched with the file at the time the Notice of Abandonment was mailed. The original response has recently been located. The delay in locating the response is regretted.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application will be forwarded to Technology Center's technical support staff to properly enter the amendment and the other papers as necessary. From there, the file will be forwarded to the examiner for further consideration in due course.

Allen R. MacDonald, Director
Technology Center 2600
Communications